



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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OFFICE OF PETITIONS

IN RE APPLICATION OF:

Huang, et al.

APPLICATION No.: 09/685,940

FILED: <sup>October 2000</sup> ~~December~~ 10, 2000FOR: NEUTRAL-CATIONIC LIPID FOR GENE AND  
DRUG DELIVERY

EXAMINER: Kishore

ART UNIT: 1615

CONF. No: 6690

**Petition to Revive Unintentionally Abandoned**  
**Application under 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on October 2, 2002 for failure to file a response to the Office Action mailed July 2, 2002.

2. Reply Under 37 C.F.R. § 1.137(b)(1)

Enclosed herewith is a reply to the Office Action.

3. Fee Under 37 C.F.R. § 1.137(b)(2)

Please charge the fee of \$1300.00 under 37 C.F.R. § 1.17(m) to Deposit Account No. 01-1173.

4. Statement Under 37 C.F.R. § 1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

08/25/2003 CKHLOK 00000004 100750 09685940

01 FC:1453 1300.00 DA

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed May 29, 2003. Under current USPTO practice, further information regarding the abandonment is not required.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

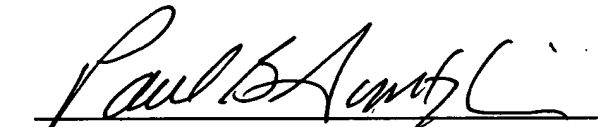
- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 01-1173.

Respectfully submitted,

Date: 6/26/03

  
Paul B. Simboli  
Registration No. 38,616

**Correspondence Address:**

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1900 Charleston Road  
Bldg. M10-3  
P.O. Box 7210  
Mountain View, CA 94039-7210



# Fax

|               |   |               |  |
|---------------|---|---------------|--|
| <b>TO:</b>    | Ms. Retta Williams<br>Office of Petitions | <b>FROM:</b>  | Robert R. Neller<br>ALZA/Johnson & Johnson |
| <b>FAX:</b>   | 703/308-6916                              | <b>FAX:</b>   | 650-564-2195                               |
| <b>PHONE:</b> | 703/306-5594                              | <b>PHONE:</b> | 650-564-5171                               |
| <b>cc</b>     | Perkins Coie LLP                          | <b>PAGES:</b> | 2  |

**CONFIDENTIAL**

August 19, 2003

Message:

**Re:** Patent Appln. No. 09/685,940      **Filed:** 10/10/2000  
**Our Ref.** 5325-0166.30/SQ00206 USA  
**Titled:** "Neutral Cationic Lipid For Gene And Drug Delivery"  
**Applicants:** Shi Kun Huang, Samuel Zalipsky, Wei-Ming Zhang, Bei Jin,  
And Yolanda P. Quinn.

Dear Atty Williams,

This is in regard to the above-identified subject matter requiring a Petition to Revive an Unintentionally Abandoned Application that was filed October 10, 2000. In response to your telephone conversation with Marie Kovacs requesting replenishment of funds, you are hereby authorized to charge any underpayment in fees for this matter to:

Deposit Account No. 10-0750.

Thank you very much.  
Very Truly Yours,

Robert R. Neller  
Registration No. 46,950

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| <b>FROM: (PLEASE PRINT)</b><br>PERKINS COIE LLP<br>PO BOX 2168<br>MENLO PARK CA 94025-2168<br>Our Ref.: 55325-8166 |  |  |   | <b>TO: (PLEASE PRINT)</b><br>COMMISSIONER FOR PATENTS<br>PO BOX 1450<br>ALEXANDRIA VA 22313-1450<br>Mail Stop Petitions   |   |                    |  |

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|--|-------------------------------------|---|
| Attorney Docket No.:<br>5325-0166.30   | Date Mailed:<br>June 30, 2003       | Express Mail Label No.:<br>EV 326 983 313 US      |
| Applicant: Huang, et al.   |                                     |   |
| Application/Patent No.: 09/685,940   | Filing/Issue Date: October 10, 2000 |   |
| Papers Enclosed<br><input checked="" type="checkbox"/> Amendment<br><input checked="" type="checkbox"/> Petition to Revive Unintentionally Abandoned Application<br><input checked="" type="checkbox"/> 3 replacement sheets of drawings |                                     | Received by the U.S. Patent and Trademark Office. |

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